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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,657	04/19/2000	Tomohiro Nakajima	0557-4969-2	2974

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[REDACTED] EXAMINER

PHAN, JAMES

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2872

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/552,657</b>	Applicant(s) <b>Nakajima</b>	
	Examiner <b>James Phan</b>	Art Unit <b>2872</b>	
	<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<p><b>Period for Reply</b></p> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>three</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>			
<p><b>Status</b></p> <p>1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Jan 11, 2002</u></p> <p>2a) <input checked="" type="checkbox"/> This action is FINAL.      2b) <input type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p>			
<p><b>Disposition of Claims</b></p> <p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-31</u> is/are pending in the application.</p> <p>4a) Of the above, claim(s) <u>5-8 and 18-31</u> is/are withdrawn from consideration.</p> <p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6) <input checked="" type="checkbox"/> Claim(s) <u>1, 4, and 9-17</u> is/are rejected.</p> <p>7) <input checked="" type="checkbox"/> Claim(s) <u>2 and 3</u> is/are objected to.</p> <p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p>			
<p><b>Application Papers</b></p> <p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p> <p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved.</p> <p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
<p><b>Priority under 35 U.S.C. § 119</b></p> <p>13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p> <p>a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Certified copies of the priority documents have been received.</li> <li>2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</li> <li>3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ol> <p>*See the attached detailed Office action for a list of the certified copies not received.</p> <p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p>			
<p><b>Attachment(s)</b></p> <p>15) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____</p> <p>18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p> <p>19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>20) <input type="checkbox"/> Other: _____</p>			

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### **DETAILED ACTION**

1. The amendment filed 1/11/02 overcomes the rejection of claims 9 and 10 under 35 U.S.C. 102(a) made in paper no.8. Therefore, this rejection is withdrawn.
2. The rejection of claims 1, 4, 11 and 13 under 35 U.S.C. 103(a) made in paper no. 8 is repeated. Applicant has traversed the above rejection by arguing that under 35 U.S.C. 103 (c) Nakajima et al does not qualify as prior art because Nakajima et al is qualified under 35 U.S.C. 102(e) only and because both Nakajima et al and the present application are assigned to Ricoh Company, Ltd. This argument is not found persuasive because Nakajima et al patent was issued before the filing date of the present application and no certified English translation of the claimed priority paper has been filed.
3. The amendment filed 1/11/02 neccessitates the following new grounds of rejection.

#### ***Claim Rejections - 35 USC § 112***

4. Claims 11-17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Either claims 11-17 are misdescriptive or the presence of **both** “an aperture” and “a light beam restricting unit” in a multibeam scanning apparatus defined in claims 11 and 13 (note that “an aperture” has already been cited in the parent claim 9, last line) is a new matter which is not supported by the original disclosure. As disclosed in the specification, page 10, last paragraph, to page 11, line 3, “The aperture 13 functions as means for restricting the

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spot sizes of the light beams B1 and B2. More particularly, the aperture 13 shapes the light beams B1 and B2 so as to have a given spot shape of a predetermined size. Thus, "an aperture" or "a light beam restricting unit" is the same one; and only one "an aperture" or "a light beam restricting unit" is used in the multibeam scanning apparatus (see Figs. 2-3 or Figs. 6A and 6B).

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima et al.

Nakajima et al discloses a multibeam scanning apparatus which comprises a light source unit (LD1,LD2) for emitting light beams which cross each other; a deflection unit (403) for deflecting the light beam, an optical unit (404,405,406) for imaging the deflected light beams on a scanned surface. Nakajima et al does not disclose an aperture for shaping the light beams. *(see Figs. 2A,4A,6)*

However, the use of an aperture for shaping the light beams from the laser diodes is well known in the art. Imakawa et al also discloses a multibeam scanning apparatus which comprises an aperture disposed at the intersection of the light beams for shaping the light beams from the laser diodes so as to make the diameter of each light beam uniform (Fig. 14 and column 10, lines 9-25). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Imakawa et al in Nakajima et al for the purpose stated in Imakawa et al.

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In re claim 10 see Fig. 4A.

***Allowable Subject Matter***

7. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: none of the cited references teaches or fairly suggests the claimed invention specified in claims 2-3, 12, and 14-17.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (703) 308-4810. The fax phone number for this Group is (703) 308-7726.

Phan, J.

March 21, 2002



James Phan  
Primary Examiner